

**Meeting Summary
Council, Town of Kensington and
Montgomery County Planning Board**

May 25, 2006; 5:00 p.m. – 6:30 p.m.

Participants:

Town of Kensington: Mayor Raufaste, Council Members Carr, Goldsmith and Pfautz (Council Member Furman was not able to attend due to a work conflict.) Town Attorney Suellen Ferguson was also present.

Montgomery County Planning Board: Chairman Berlage, Commissioners Allison Bryant, John Robinson, and Meredith Wellington.

Montgomery County Planning Board Staff: Gwen Wright, Lyn Coleman, and the new Director of Park Maintenance

Legacy Open Space Representative: Helen Wilkes

Town of Kensington Residents: John & Sigrid Doherty, Jack Gaffey, Julie O'Malley

The Mayor and Council met with the Montgomery County Planning Board on May 25, 2006 to discuss a possible Memorandum of Understanding (MOU) with regard to the reuse of the Circle Manor property. Discussions centered on the Town's potential financial contribution, if any. The Mayor explained that the Town would have to decide by referendum whether it would make any financial contribution and that it was unlikely that a referendum would succeed if it involved raising taxes or burdening the Town with a long-term debt obligation. She confirmed that she had already secured a state bond bill in the amount of \$150,000 to go towards a Town contribution and that further contributions could be made through future bond bills.

The Town questioned the appropriateness of the requested 25% contribution, based on the Town's resident base and size of the project relative to other joint ventures between the County and the municipalities of Chevy Chase and Takoma Park. Services, such as maintenance in lieu of cash, were discussed, Board members acknowledging the importance of such services. The Board noted that the 25% contribution is a general expectation of the County Council.

The Board asked what the most pressing issues might be for the residents in the formation of the Memorandum of Understanding (MOU). Several items were listed, including the importance of having a meaningful say/participation, if not veto power, in deciding re-use of the Manor and property, particularly if a cash stake was required. The Board acknowledged each but questioned whether a veto would be appropriate. One commissioner clarified that the agreement to purchase the property was not contingent on Town participation. Later, with prompting from an attendee, Mayor Raufaste indicated that the MOU with Chevy Chase, the MOU from which the Town's MOU would be crafted, contained a veto provision.

Discussion followed concerning whether an easement could be placed on the property under the MOU. The Board indicated that this was rarely done as it may not have much effect since the possibility of eminent domain at some point in the future would void it. Wilkes raised the question of whether the state source and requirements of the Legacy Open Space program didn't

already place an enforceable state easement on the property. This was something worth looking into.

The timeline for drafting an MOU was discussed. Planning Board staff indicated a preferred timeline that would have the MOU completed by the Fall of 2006, in order to begin a process by which the ultimate reuse could be determined by September 2007, when the County makes its final payment and assumes title to the whole property. The Mayor and Council noted the difficulty with this timing due to vacation schedules, etc. The Board acknowledged this and stressed their commitment to a transparent process.

The Board said that the successful reuse proposal will necessarily include viable business and traffic/parking plans. Planning Board staff indicated that housing had been discussed because it has the lowest traffic and parking impact on a property, business uses requiring a greater commitment to parking. They also expressed the idea that the reuse should consider public use or service. Some hypothetical examples were discussed around the feasibility of a non-profit purpose benefiting the county and local residents, but all indicated that any such ideas were premature and the process of soliciting ideas often surprised staff with innovative approaches. It was also noted that the Town Council would not be determining reuse, but was vested in preservation and ensuring resident opportunity and input in the reuse decision.

Council Member Goldsmith was appointed Council Liaison to the Planning Board as the only member present who is assured to continue on the Council past the elections.